



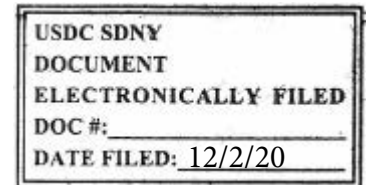
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November 30, 2020

VIA ECF

The Honorable Alison J. Nathan, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007



**Re: Axens North America, Inc. v. Duro Felguera Caldereria Pesada SA,
a/k/a DF Caldereria Pesada, S.A.
Civil Action No.: 1:20-cv-07172-AJN**

Dear Judge Nathan:

This firm represents Plaintiff Axens North America, Inc. ("Plaintiff") in the above-referenced matter. Plaintiff writes to provide the Court with an update on the status of this matter, and to respectfully request an adjournment of the initial pre-trial conference in this matter, which is currently scheduled for December 11, 2020, at 3:00 p.m.

By way of background, since the filing of the Complaint in September, Plaintiff has proceeded with attempting to serve the defendant, Duro Felguera Caldereria Pesada SA ("Defendant"), via the Hague Convention. It is our information that the Defendant is located in Spain. On or about September 25, 2020, Plaintiff submitted its request for service and a package of materials to the Spanish Central Authority for processing. Once the Central Authority processes its package, it will be forwarded to a judge within the judicial territory where the documents will ultimately be served. Plaintiff is coordinating with counsel located in Spain regarding this process and has been advised that it is customary for service to take some time. Unfortunately, due to the current COVID-19 pandemic, Plaintiff believes this process may understandably be even further delayed.

To date, Plaintiff has continued to follow up on the status of its attempted service on Defendant in Spain. On October 14, 2020, the Central Authority confirmed receipt of Plaintiff's package of materials which were then awaiting processing and further confirmed that it was several months behind in processing all such materials. Since that time, Plaintiff has not received any further substantive updates from the Central Authority and believes its package of materials currently awaits processing by the Spanish Central Authority in Madrid.



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In addition, Plaintiff has provided Defendant with notice of the initial pre-trial conference via email at multiple email addresses previously used to correspond with Defendant. As recently as July 20, 2020, Defendant's representatives successfully corresponded with Plaintiff's representatives via the emails used. Further, none of the emails sent to Defendant's representatives concerning the upcoming initial pre-trial conference have been returned as undeliverable, and Plaintiff's communication with Defendant's representatives seeking a meet and confer prior to the initial conference has gone unanswered.

Given these circumstances, and unless Defendant's representatives cooperate in good faith in a timely meet and confer and plan to appear at the conference¹, Plaintiff believes that it makes sense to adjourn the currently scheduled December 11, 2020 initial pre-trial conference and respectfully requests that the Court so order same. In addition, Plaintiff respectfully requests that it be permitted to provide the Court with a further status update on its service efforts in sixty (60) days. Although Plaintiff understands that Federal Rule of Civil Procedure 4(m)'s 90 day service timing requirement does not apply to Plaintiff's attempted service on Defendant in Spain, Plaintiff also respectfully requests that given its circumstances, the Court does not take any action to dismiss this action or provide any dismissal warning on the docket in the interim.

If the above is acceptable to this Court, Plaintiff respectfully requests that this Court so order this letter and adjourn the December 11, 2020 initial pre-trial conference, confirm the inapplicability of any service timing requirements due to ongoing attempted service in a foreign country, and permit Plaintiff to file a further status update letter sixty (60) days from the date this letter is so ordered, after which point the initial pre-trial conference could be rescheduled. Plaintiff would be happy to provide any further information the Court may require.

Thank you for your continued time and attention to this matter.

Respectfully,

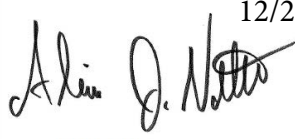
Norris McLaughlin, P.A.

/s/ Kimbrilee M. Weber

Kimbrilee M. Weber

Cc: Maria Morales, Duro Felguera (via email)

Javier Autillo, Duro Felguera (via email)

12/2/20

SO ORDERED.
ALISON J. NATHAN, U.S.D.J.

The initial pretrial conference scheduled for December 11, 2020 is hereby adjourned to February 19, 2021 at 3 p.m. Plaintiffs are hereby ORDERED to provide a status update within 60 days of this Order.
SO ORDERED.

¹ Plaintiff's counsel is copying this letter to Defendant's representatives by known e-mail addresses to encourage its cooperation, and will promptly inform the Court should this occur.